

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 22-CR-20104-CR-MARTINEZ/BECERRA(s)(s)(s)

UNITED STATES OF AMERICA

v.

RODOLPHE JAAR,

\_\_\_\_\_ /

**GOVERNMENT'S MOTION TO CONTINUE RESTITUTION HEARING**

The United States, by and through the undersigned counsel, files this unopposed motion to continue the restitution hearing in the above-referenced matter.

On June 5, 2023, this Court sentenced the defendant Rodolphe Jaar to life imprisonment. ECF No. 299. The Court also ordered the defendant to pay restitution in an amount to be determined at a hearing scheduled for August 21, 2023. *Id.* The government now moves, with consent of defense counsel, to continue that hearing for a period of ninety (90) days.

In anticipation of a restitution hearing, the government has conferred with defense counsel and counsel for victims in this case. At this stage, the government and defense counsel anticipate that the parties may be able to achieve an agreement as to the amount of restitution to be imposed. However, the government is awaiting additional documentation from the victims in order to permit a complete assessment of an appropriate restitution amount. Amongst other materials, the government is awaiting documentation that will facilitate an estimate of the anticipated future medical treatment costs of the victims. Counsel for the victims have confirmed that they are working to obtain these materials, but require additional time to obtain the same.

The government acknowledges that 18 U.S.C. §3664(d)(5) sets a 90-day deadline for the

final determination of the victims' losses for purposes of determining restitution. However, the Supreme Court has clearly held that despite the deadline set by §3664(d)(5), a sentencing court retains the power to order restitution after that 90-day deadline has passed, particularly in a case such as this, where this Court has made it clear prior to the expiration of the deadline that restitution would be ordered, with the only the amount remaining to be determined. *Dolan v. United States*, 560 U.S. 605, 608 (2010); *see also United States v. Rodriguez*, 751 F.3d 1244, 1260 (11th Cir. 2014). In *Dolan*, the Supreme Court made this ruling even though no party had offered an excuse or sought an extension or tolling of the 90-day period. Here, the government is seeking such an extension within the 90-day time limit of §3664(d)(5).

The undersigned have consulted on this request with counsel for the defendant, who has confirmed the defense has no objection to the requested relief. This motion is made in good faith and after the exercise of due diligence and is not made for the purpose of unnecessary delay.

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**WHEREFORE**, the government respectfully requests that this motion be granted, and that the hearing to determine the amount of restitution due be continued for ninety (90) days.

Respectfully submitted,

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 10, 2023, I electronically filed the foregoing document with the Clerk of the Court via CM/ECF.

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